



NRC NEWS

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NRC LICENSING BOARD ISSUES DECISION ON ADEQUACY OF DOE DOCUMENT PRODUCTION RELATING TO YUCCA MOUNTAIN LICENSING PROCEEDING

A Nuclear Regulatory Commission Atomic Safety and Licensing Board ruled today the Department of Energy (DOE) certification that it made available all DOE documentary material on its proposed Yucca Mountain high level waste repository failed to meet NRC regulations.

Specifically, the Licensing Board unanimously found that the June 30 certification failed to make publically available substantial quantities of documentary material in DOE's possession at the time of certification, and that the manner in which DOE made the material publicly available on its own internet web site failed to satisfy the regulations.

The decision was in response to a July 12 motion to the Licensing Board from the State of Nevada in connection with the expected future application of the DOE to build a repository for high-level radioactive waste at Yucca Mountain, Nevada. The motion challenged DOE's certification of the availability of its documentary material regarding the application. The Licensing Board heard oral arguments on the motion, from Nevada, DOE and the NRC staff, July 27 at the NRC's Rockville, Md., headquarters.

NRC regulations require, in order to provide for efficient discovery in the formal NRC hearing that will be associated with review of the application, that all potential participants in the Yucca Mountain proceeding make their documents available to other potential participants in electronic form through the publicly available, web-based Licensing Support Network (LSN). The LSN is available for anyone to access documents, at <http://www.lsnnet.gov>.

Under the regulations, DOE must certify, six months before submitting its license application, that its documents are electronically available. DOE made that certification on June 30, 2004. Shortly thereafter the NRC Chief Administrative Judge appointed a three-person Licensing Board to serve as the Pre-License Application Presiding Officer (PAPO) to decide disputes brought by parties or potential parties regarding documentary materials submitted to the LSN. Members of the PAPO Licensing Board are Thomas S. Moore, Chairman; Alex S. Karlin; and Alan S. Rosenthal.

Thirty days after the DOE certification, on July 30, the NRC certified that its documents were

electronically available. Other potential parties and interested governmental participants must also make their documents electronically available on the LSN prior to DOE filing its application for the Yucca Mountain repository license.

The Board ruled that Nevada and other potential participants are not required to make their documents available until 90 days after DOE recertifies that it has made all of its documents available on the central LSN site. "It does not appear that it will take DOE a significant amount of time to complete its processing of the outstanding documents prior to being able to make a recertification," the Board said.

The PAPO Licensing Board decision may be appealed to the Commission that heads the NRC.

A copy of the decision will be available from the NRC's web site by entering http://hlwehd.nrc.gov/Public_HLW-EHD/home.asp and following the directions on the screen. Help in accessing information on the web is available from the NRC Public Document Room at 1/800/397-4209 or 301/415-4737.

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